

MEMORANDUM

GO
Agenda Item No. 3(B)

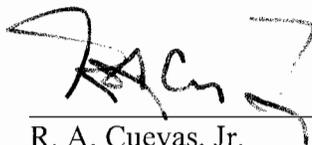
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: **June 9, 2009**

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance providing for
extensions of time to periods
for compliance set forth in
orders of the Unsafe
Structures Board or Appeals
Panels

The accompanying ordinance was prepared and placed on the agenda at the request of
Prime Sponsor Commissioner Dorrin D. Rolle.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 7, 2009

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4 (E)

Please note any items checked.

“4-Day Rule” (“3-Day Rule” for committees) applicable if raised

6 weeks required between first reading and public hearing

4 weeks notification to municipal officials required prior to public hearing

Decreases revenues or increases expenditures without balancing budget

Budget required

Statement of fiscal impact required

Bid waiver requiring County Mayor’s written recommendation

Ordinance creating a new board requires detailed County Manager’s report for public hearing

Housekeeping item (no policy decision required)

No committee review

Approved _____ Mayor

Agenda Item No. 4(E)

Veto _____

4-7-09

Override _____

ORDINANCE NO. _____

ORDINANCE PROVIDING FOR EXTENSIONS OF TIME TO PERIODS FOR COMPLIANCE SET FORTH IN ORDERS OF THE UNSAFE STRUCTURES BOARD OR APPEAL PANELS; ESTABLISHING PROCEDURE; CREATING STANDARDS FOR GRANTING EXTENSIONS; ESTABLISHING LIMITATIONS; PROVIDING THAT APPELLATE REVIEW SHALL REMAIN UNAFFECTED NOT WITHSTANDING REQUEST FOR EXTENSION OF TIME; AMENDING CHAPTER 8 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. Chapter 8 of the Code of Miami-Dade County is hereby amended as follows:¹

* * *

**Chapter 8
Building Code**

Art. I. Administration

* * *

Sec. 8-5. Unsafe Structures

* * *

>>(m) Requests for Extensions of Time.

Any owner or authorized representative may seek an extension of the timeframes set forth in an Order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel. Such request for a hearing to seek such extension must be in writing, directed to the Secretary of the Unsafe Structures Board or Appeal Panel (whichever body

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

issued the order for which an extension is being sought). The Board or Appeal Panel shall not be authorized to extend any deadline for compliance, set forth in the order, unless the Secretary of the Board receives the written request for extension prior to the deadline specified in the initial order. In no event may the Board or Appeal Panel grant more than one extension of time for each initial order.

To obtain an extension, the owner or applicant must demonstrate to the reasonable satisfaction of the Board or Appeal Panel that the structure that is the subject of the order is secure at the time the extension is sought and that the owner or applicant has made a good faith attempt to comply with the order which has been impeded by changed circumstances or other circumstances outside of the owner or applicant's control. As a further condition of the extension, the owner or applicant must submit in writing, together with the petition for an extension, a written time timetable for compliance with the substantive provisions of the Order and for completion of all necessary repairs. The Board or Appeal Panel shall not reconsider the order, limiting its consideration of the petition to deciding whether the grounds for an extension have been satisfied in the manner set forth in this subsection.<<

[[m]]>>(n)<< Judicial Review.

Any owner or authorized representative aggrieved by a decision of the Unsafe Structures Board or an Unsafe Structures Appeal Panel may seek judicial review of that decision in accordance with Rule 9.110 (c) of the Florida Rules of Appellate Procedure. Accordingly, any order, requirement, decision, denial of a request for extension of time, or determination of the Unsafe Structures Board or an Unsafe Structures Appeal Panel shall be reviewed by the filing of a notice of appeal in the Circuit Court Appellate Division of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, within thirty (30) days of rendition of the order. This thirty (30) day time frame commences to run from the date that the Board's or Appeal Panel's order, requirement, decision or determination sought to be reviewed is transmitted to the Secretary >>and such timeframe shall not be tolled or otherwise affected by any request for extension of time for compliance set forth in Subsection (m) above.<< The Secretary or the Director of the Miami-Dade County Building Department shall affix to each order, requirement, decision or determination is transmitted. Moreover, the Secretary to the Board and Director of the Miami-

Dade County Building Department shall comply with all requirements of the Florida Rules of Appellate Procedure.

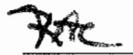
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate work.

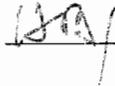
Section 4. This ordinance shall become effective 180 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.



Prepared by:



Hugo Benitez

Prime Sponsor:

Commissioner Dorrin D. Rolle